

Representative shall afford the requester the opportunity to show that he satisfies these two conditions. Under the above standards should ABMC refuse to waive a request for information and the requester petition for a waiver, the senior Freedom of Information Representative will make the determination.

#### § 404.10 Maintenance of statistics.

(a) The Freedom of Information Representative shall maintain record of:

(1) The total amount of fees collected by ABMC under this part;

(2) The number of denials of requests for records or information made under this part and the reason for each;

(3) The number of appeals from such denials, together with the results of such appeals, and the reasons for the action upon each appeal that results in a denial of information or documents;

(4) The name and title or position of each person responsible for each denial of records and the number of instances of each;

(5) The results of each proceeding conducted under 5 U.S.C. 552(a)(4)(F), including a report of the disciplinary action against the official or employee primarily responsible for improperly withholding records, or an explanation of why disciplinary action was not taken;

(6) A copy of every rule made by this agency affecting or implementing 5 U.S.C. 552;

(7) A copy of the fee schedule for copies of records and documents requested under this part; and

(8) All other information that indicates efforts to administer fully the letter and spirit of the Freedom of Information Act and the above rules.

(b) The Freedom of Information Act Representative shall annually, within 60 days following the close of each calendar year, prepare a report covering each of the categories of records to be maintained in accordance with the foregoing and submit the same to the Speaker of the House of Representatives and the President of the Senate for referral to the appropriate committees of the Congress.

## PART 405—SCHEDULE OF FEES FOR SEARCH AND DUPLICATION OF RECORDS

Sec.

405.1 General.

405.2 Schedule.

AUTHORITY: 5 U.S.C. 552, as amended.

### § 405.1 General.

(a) While most information will be furnished promptly at no cost as a service to the general public, fees will be charged if the cost of search and duplication warrants.

(b) When a fee is to be charged, the individual requesting the information will be informed of the fee, and no work will be performed until he or she has agreed to pay it.

[40 FR 7304, Feb. 19, 1975]

### § 405.2 Schedule.

Fees which may be charged by this Commission for search and duplication of records are as follows:

(a) *Duplication fees:* (1) \$2.00 for first 6 pages, 5¢ per page thereafter for photocopying.

(2) \$1.50 per 8×10 inch black and white print of photographs.

(3) \$2.50 per 8×10 inch color print of photographs.

(b) *Search fees:* (1) \$8.00 per hour to search records for specific documents.

(2) \$215.00 for selective extracts from Commission computer tapes.

(3) Transportation costs of personnel and records arising from searches for requested information.

[40 FR 7304, Feb. 19, 1975]

## PART 406—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY AMERICAN BATTLE MONUMENTS COMMISSION

Sec.

406.101 Purpose.

406.102 Application.

406.103 Definitions.

406.104—406.109 [Reserved]

406.110 Self-evaluation.

406.111 Notice.

406.112—406.129 [Reserved]